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Via ECF

Honorable Anne Y. Shields
United States Magistrate Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Gonzalez v. ERBA, Inc.
No. 15-CV-6037(ADS)(AYS)

Dear Magistrate Judge Shields:

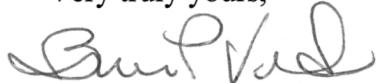
This office represents the defendant, Erba, Inc. I write this letter in compliance with the Court's March 23, 2016 Order directing the parties to submit a joint status letter on April 29, 2016 and in response to plaintiff's letter of April 28, 2016. The status is set forth below; however, as also set forth below, this letter is not submitted jointly.

To briefly refresh the Court's recollection, this is an FLSA allegedly for failure to pay overtime action. At the initial conference, the undersigned stated that his client denies that the plaintiff ever worked for the gas stations at issue here. Accordingly, Your Honor ordered plaintiff to produce photo identification to defendant and, upon review, defendant was to submit a response "in the manner of a sworn interrogatory" as to whether plaintiff worked for defendant. Further, plaintiff was directed to complete the Court's standard FLSA interrogatories and if defendant acknowledged plaintiff's employment, then the defendant was to produce time records. (DE #11).

In early April, 2016, Plaintiff's counsel provided this office with a copy of plaintiff's purported passport and 8 photographs allegedly taken of plaintiff at what purport to be the defendant's gas stations. However, initially based upon an oversight by this office, it was not until June 8, 2016, that the undersigned provided plaintiff's counsel with a sworn statement responding to plaintiff's FLSA Interrogatories and Photographs Identifying and confirming that defendant denies plaintiff ever worked for the defendant period!.

At this juncture, this office intends to submit a motion to dismiss this case that seems frivolous at this juncture.

Very truly yours,



Bruce P. Vetri, Esq.
BPV/sll